



FOR IMMEDIATE RELEASE
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Contact: Steve Jones
(405) 570-0880

Istook Continues Fight Against Illegal Immigration

In-State Tuition for Illegal Aliens Costs Okla. Taxpayers

Washington DC – Continuing his fight against illegal immigration in Oklahoma, Rep. Ernest Istook (R-5th District) today sent a letter to all of the Presidents of Oklahoma Public Colleges & Universities, asking for more information about tuition breaks and financial aid offered to illegal aliens.

"I am concerned that Oklahoma's law which gives undocumented students resident tuition rates and state-funded financial aid at public institutions of higher education (SB 596, passed in 2003) may violate federal law," says Istook in the letter.

In addition to offering such assistance to illegal aliens, the website for the Oklahoma State Regents for higher Education specifically encourages and recruits illegal aliens to take advantage of these programs with a page entitled, "*Oportunidades para Estudiantes Indocumentados*" ("Opportunities for Undocumented Students" found at <http://www.okhighered.org/student-center/espanol/indocumentados/>)!

"It is wrong for the state to make the same tuition rates and scholarships that were originally intended for Oklahomans available to illegal immigrants," Istook continues. **"It is also deplorable that Oklahoma has no procedures to ensure that students legalize their status at any point during or after completing their taxpayer-supported higher education programs."**

The federal law in question, the Illegal Immigration and Immigration Responsibility Act of 1996, apparently requires that if states offer in-state tuition to illegal aliens, they must also offer that rate to residents of other states.

If a suit was brought against Oklahoma regarding this state law, and a court upheld the federal restrictions, Oklahoma could lose the ability to charge students from other states a higher tuition, thus costing Oklahoma needed education funds brought in by out-of-state tuition fees. Additionally, it could increase the cost of education for Oklahoma students and taxpayers as the colleges and universities would be forced to pass on the costs to try to make up this financial shortfall.

Full text of the letter sent today:

Dear College and University Presidents,

I am writing to draw your attention to Section 505 of the Illegal Immigration and Immigration Responsibility Act of 1996 (8 U.S.C. 1623), which was recently reaffirmed by an amendment to the FY2007 Labor, Health & Human Services, and Education Appropriations bill. This federal law, which has been in effect since 1996, states "an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident."

I am concerned that Oklahoma's law which gives undocumented students resident tuition rates and state-funded financial aid at public institutions of higher education (SB 596, passed in 2003) may violate federal law.

I believe this law may attract illegal immigrants to Oklahoma. Moreover, I was astonished to find the Oklahoma State Regents for Higher Education actively advertising for this program, with a special section of their website written in Spanish entitled "Oportunidades para Estudiantes Indocumentados" (Opportunities for Undocumented Students) offering further information to undocumented students in how they can apply for taxpayer-funded Oklahoma's Promise (OHLAP) and Oklahoma Tuition Aid Grant (OTAG) programs. It is especially troubling that the website misleads young students by giving the impression that they do not need Social Security numbers or legal status, provided they further their education, which will "abre la puerta a mejores condiciones de trabajo" (open doors to better working conditions).

It is wrong for the state to make the same tuition rates and scholarships that were originally intended for Oklahomans available to illegal immigrants.

It is also deplorable that Oklahoma has no procedures to ensure that students legalize their status at any point during or after completing their taxpayer-supported higher education programs.

While the state's Advancement of Hispanic Students in Higher Education Task Force has defended this program, saying it amounts to less than 1/10 of 1 percent of the state's undergraduate student population, the potential ramifications of this misguided policy are undoubtedly much broader. This law is unfair to American citizens from other states that choose to pursue higher education opportunities in Oklahoma and it exposes the state to lawsuits that would be costly to defend. Even as we speak, other states are facing legal challenges to similar laws. If a court case challenging the legality of denying resident tuition to all American citizens was successful, it would result in lost revenue to the state's higher education system from the elimination of non-resident tuition rates.

To better understand the liability that Oklahoma has assumed with enactment of this law, please provide me with information detailing both the number of students and tuition collected by your institution of higher education, delineating the data by individuals who pay resident student rates and those who incur non-resident tuition costs. When applicable, please also include separate data on the undocumented students who currently attend your institution of higher education. In addition, I would appreciate a detailed list of all state and federal tax dollars that support your institution.